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H – 1033

International Court of Justice

H1033 - 0002

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

1 July 1946

COMMISSIONER:

Lt. Col. A.M.S. Neave

CORPS OF POLITICAL LEADERS

(The Commission convened at 1000 hours)

EDUARD KUEHL, a witness, took the stand and testified as follows:

COL. NEAVE: Does the witness realize he is still under oath?

THE WITNESS: Yes sir.

COL. NEAVE: You may sit down

CROSS EXAMINATION RESUMED

BY LT. COL. GRIFFITH JONES:

Q. When we adjourned on Friday, I was asking you about the responsibility of the Political Leaders for the mistreatment of slave labor. And I was asking in particular about document P.S. 205. You remember that in May of 1942, Gauleiters had been made responsible for the inspection and control of the treatment of ~~the~~ the foreign workers?

A. Yes sir.

Q. Now we had read some of this document which is dated 5 May 1943 - a year later. You will remember that it is an order sent out by the Party Chancellory to all Gauleiters, Kreisleiters and Ortsgruppenleiters?

A. That is correct.

Q. Perhaps you would look at the paragraph which is marked #1 - it's the second pargraph marked #1 in brackets. "Everyone, even the primitive man has a fine perception for justice - consequently every unjust treatment must have a

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very bad effect. Injustices, insults, trickery, mistreatment, etc. must be discontinued. Punishment by beating is forbidden." During that year while the Gauleiter had been responsible for the treatment of foreign laborers, had the practice been to do them injustices, insults, trickery or mistreatment? Is that the way in which they had been treated?

A. One cannot say so without further illucidation. This directive merely interprets the constant and repeated demands made by Gauleiter Sauckel, the man in charge of commitment and procurement of labor.

Q. Why should it be necessary for Gauleiter Sauckel - dealing with a decent civilized human German people - to write a letter of this kind?

A. Firstly, because the number of foreign workers - particularly, the Eastern workers increased greatly during the year 1942, and particularly during the year 1943. The problem of the care for this large number of laborers had become the more urgent, because a number of work camps for foreign laborers increased correspondingly. May I add that exceedingly efficient work production was expected. That could be expected only under the position of good treatment and decent rations.

Q. I don't want to stop you if you really have anything useful to say?

A. I wish to say something regarding the rations.

Q. I haven't asked you a thing about the rations, and I don't want to hear about them. Perhaps you will answer my question - I'll ask you for the last time. If the fofeign workers had not been done injustices and been subject to insults, trickery, mistreatment and beating, why should it be necessary for the Party Chancellory to send around a circular to all Gauleiters, Kreisleiters, and Ortsgruppenleiters?

A. I can't say anything definite regarding the motives for the circular. As far as my district in which I was active was concerned, I can only say that the treatment of foreign labor was not any different within

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within the years 1942 to 1944.

Q. Very well, I think we can pass through that matter. Did you tell us on Friday that the Corps of Political Leaders had nothing to do and took no part in the policy to suppress the influence of the churches?

A. I can say so definitely for my district.

Q. And that they took no part in throwing people into concentration camps?

A. No, I stated on Friday already that for the period of 1936 to 1945, I have never met anyone personally who was thrown into a concentration camp.

Q. Well, then I'll ask you some questions about the matter genera lly. Do you know whether in general over Germany, the Political Leaders were meant to assist in suppressing the influences of the churches?

A. There were no such directives in the Gau East Hannover. I can say on my oath that there was no discussion at all between 1936-45, regarding the persecution of the church at any one of the conferences or official meetings to which I took part.

Q. I want to ask you whether you can offer any explanations for what was going on in the Kreis of Darmstadt. Will you look at the document which you have and I refer to document D-901. Do you see that there are four reports from Ortsgruppenleiter to their Kreisleiter, reporting on the increased activity of the Evangelical Churches in their area. Why should the Ortsgruppenleiter be reporting that to the Kreisleiter?

A. I see that the reports referred to are the district Darmstadt, and I do not know whether it might be a district where the religious opposition met. In any case it is a matter here regarding the "Bekenntnisfront" of which I know that it is said to have been sharply critical of the Nazi State and Nazi State measures.

Q. That was the task of the Political Leader was it not, to report on people who were critical of the Nazi state?

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A. That in this individual case must have been like that.

Q. And anybody who was critical of the Nazi State, when they were reported on, were thrown into a concentration camp, weren't they?

A. I've never known of any such case.

Q. Will you look, for instance, at the second of those reports, dated 17 February 1939, the Ortsgruppenleiter is writing, and he quotes first of all a remark of the confessional pastor, Strack. -"'Whoever leaves the church has different taxes imposed on him,' so our already much discussed confessional pastor Strack said once again on the occasion of a mother's evening. This gentleman should really be rapped on the knuckles seriously for once." What do you think the Ortsgruppenleiter meant by that?

A. I don't understand this remark. In the first place the Ortsgruppenleiter had no possibility to rap the knuckles of the pastor, and in the second place I know nothing about any other taxes. If you resigned from the church, the consequences were that your personal taxes were remitted, but not your real estate taxes.

Q. I'm not asking you about the taxes, I'm asking you why the Ortsgruppenleiter should have written that to the Kreisleiter and why the Ortsgruppenleiter in the Kreis should have been sending in reports of that kind?

A. I can't answer that question, because it's without the sphere of my personal experience.

Q. Now, just look further down - that same letter. You see he is saying, "It would also be urgently indicated that some authority should look after those children whose parents have left the church." And then a littler further down you see, he says "The result is that they first attend the usual religious classes for three or four years and have to be reconverted late, which might not be successful in all cases."

DR. LINK: I wish to have your decision, sir, as to whether further

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questions regarding these documents are admissable.

COL. NEAVE: What is your objection?

DR. LINK: I wish to call to your attention, sir, that the witness is being heard as a Kreisleiter of Stadt, an area ~~1000~~ 100 kilometers distance from Darmstadt, and I wish tosubmit without any further discussion that certain individual Gauleiters in Gau of Darmstadt have taken an attitude ~~xx~~ against the opposition.

COL. NEAVE: Now, Col. Jones, were these documents or instructions issued to all Kreisleiter or Gauleiter - was that a circular?

COL. JONES: This is correspondence in a particular Gau. With great ~~x~~ respect I am entitled to put this to the witness. The witness comes to give evidence as to duties of the Kreis, Gau, and Ortsgruppenleiter. If his evidence is to be admitted as relevant at all, it must be in respect to the organization in general. With ~~gx~~ great respect, I must be entitled to ask a witness of this kind who has been a Kreisleiter for a number of years - I must be permitted to ask him for an explanation of these documents, which on the fact of them completely contradict the general evidence he has been giving.

COL. NEAVE: Thank you very much. Dr. Link, you put forth this witness, I see on the list here, to describe the attitude of Political Leaders concerning the church and several other subjects. And although he was ~~xxx~~ in fact a Kreisleiter in Hannover district, there seems to be no reason at all why he should not be cross examined regarding the general attitude of the organization. I therefore do not accept your objection and cross examination will continue.

Q. Now, can you tell me what the Ortsgruppenleiter meant when he talked about the necessity of reconverting children after their parents left the church?

A. The Ortsgruppenleiter talks about the children receiving the usual religious instructions for three or four years....which means that they will receive instructions on the basis of the Old and New Testament. Such instructions would have contradictory to the views of a believer in God, as the parents would have

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been in such a case

Q. Perhaps I didn't make myself xxx clear or perhaps because of the interpretation you did not understand me. I'll ask you again. Why should it be necessary to re-convert the children after they had been to religious classes for three or four years? What did the Ortsgruppenleiter mean by reconversion?

A. I don't know very much of what he meant as far as I'm concerned by xxxxxxxxxxx reconversion. Such a problem never arose in the Gau East Hannover. Children of believers in God always participated in the religious instruction.

Q. Now, we'll leave that if you can't answer it. Would you look on until you find the fifth document which are the comments made by the Kreisleiter on the various reports he received. In answer to #1, the first report, which we haven't dealt with at length. "The Kreisleiter notes the SD, Gestapo and competent Ortsgruppenleiter will be instructed by me." What was the point of his instructing the SD and Gestapo about increased church activity in his area?

A. The report shows that this individual Kreisleiter was very anxious to find out whether there was any action hostile to the State going on.

Q. But what does he expect the SD and Gestapo to do about the matter? Are they going to put somebody into a concentration camp - do you think that's a possibility?

A. I believe it is absolutely possible - if it is a matter of a minister who used the pulpit to continue attacks on the Nazi State, despite having been warned a number of times.

Q. You agree with me that that was the task or one of the tasks of the Leadership Corps, to report people who were attacking the Nazi State to the SD and Gestapo?

A. If there were such cases - yes.

Q. And the result of that would be to send them straight into a concentration camp, wouldn't it?

A. Having cases of such kind - yes.

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Q. Just look, will you, at the Kreisleiter's comments on the second report--the one we have already discussed. "I shall request Ortsgruppenleiter Frick, who reports from Pfungstadt, to gotothe Kreisleiter tomorrow and shall get him to name his witnesses. These will be notified to you and to the Gestapo..." Now listen to this: "The Priest Strack is sufficiently well known and ripe for the concentration camp or the Special Court. His reported statement before fellow Germans constitutes an infringement of the Law against Malice. In any case, the chap must disappear from the territory of the Kreis or Gau." Is that typical of the kind of action that the Kreisleiters were generally taking throughout Germany?

A. I want ~~xxxx~~ to say this in regard to that. I have never received a directive concerning supervision of church services.

COL. NEAVE: Can't he answer the question? We seem to be hearing something different. The Question was - was this typical behavior on the part of the Kreisleiter in the whole of Germany?

THE WITNESS: I wanted to say something.

COL. NEAVE: As long as he answers the question.

A. It is definitely an individual case.

Q. What do you call that if you don't call it assisting or participating or throwing people into concentration camps?

A. All I can say is this. Any ordinary citizen would have been at liberty after having attended such a church service to report it to the Gestapo.

Q. Very well, I'll leave that now. Perhaps you can help me about one other matter. Is Bremen in your Gau?

A. No.

Q. There must be a neighboring Gau toyou?

A. Yes, that was Gau Weser - Ems.

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Q. In May of 1936, one of the Kreisleiters in Bremen was sending an instructio to all his Ortsgruppenleiters in connection with the Reichstag election which was to be held on 29 of March of that year. He says a report has to be made out in accordance with the demand from the Ministry of Interior, Dr. Frick. A report has to be made on civil servants who did not perform their duties in voting on that day. As far as such cases are known in the local district or political strong point, please report such by name. He concludes that letter by saying it is to be destroyed immediately after this matter has been executed. Thatis document D-43. I imagine if that was on the instruction of Dr. Frick, youalso in Hannover had to do the same thing, did you not - report on civil servants who did not vote?

A. Yes.

Q. What was the object of that?

A. This directive can be taken only as an individual one for Bremen - there was no such general directive.

Q. I understood you to say that you had had to do the same thing in Hannover?

A. I said no.

Q. Then I misunderstood you. Do you mean to say that Dr. Frick wrote that especially to Bremen and to no other Gau?

A. I can only make up the following explanation for this. The man in charge of the department issuing this directive probably was a civil servant, and it is impossible that the Ministery of Interior - Dr. Frick, has demanded from the Party operators to find out whether or not civil servants had participated in the election.

Q. Are you seriously telling us that some instructions must have been issued from the office of the Minister of Interior, demanding of allcivil servants

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who did not vote and that that instruction was issued by some subordinate in the department and not by the minister himself?

A. I can imagine that the civil servant has heard of this directive through channels. He thrust himself in front as a Party official, and now asked the Party operators to find out things which did not fall within its competence. One more sentence, please. The Reich minister ~~which~~ would have had a much easier time of finding out the things by the election authorities - which is to say the administrative authorities.

Q. LT. COL. GRIFFITH JONES: I have no further questions.

COL. NEAVE: Have you any further questions, Dr. Link?

DR. LINK: Four or five questions.

COL. NEAVE: Alright

RE-DIRECT EXAMINATION

BY DR. LINK:

Q. Witness, in answer to a question of Col. Griffith Jones, you have made a statement which might make it appear that it fell within the task or duties of the Kreisleiter of the Political Leaders to report with the SD and Gestapo in order to have people thrown into concentration camps. Does today's statement correspond to your statement of Friday, which said that the Kreisleiter had nothing to do with concentration camps or did I understand you correctly?

A. Friday and even today I declared that as far as I'm personally concerned that such a case has never occurred tome in practice, but if such a case would have been brought to my attention which would have shown a transgression of existing laws without any doubt, of course, it wouldhave been my duty to report such a case to the competent Gestapo offices. We had no immediate connection with the SD.

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Q. It does not concern xxx me whether you as a Party member obeys the laws explicitly feels that in such a case a report would have had to be made, it concerns me here whether the Political Leaders, beginning with the Blockleiters up to your level and even the higher levels, received directives from the highest Party levels to bring people into concentration camps?

A. No, of course, there were no such directives.

Q. How are we to understand your statement that it belongs within the tasks of the Political Leaders to report to the SD and Gestapo? Do you agree to my statement that Political Leaders do not have any more or less to do with and have no xxxxx more or less to xxxxxx throw people into concentration camps than was expected of any Party member and co-national?

A. Our duties were no different from those imposes upon any Party member, xxx by any Bergermeister or other official in Germany.

Q. Another question. The document D-43 which was submitted to the witness - has it been submitted?

LT. COL. JONES: It certainly has been submitted. I'll try to tell you where. It's Organization #7, and Dr. Link will find it in German on the original prosecution book of Frick.

Q. Did I understand you correctly to say that you did not receive the directive eminating from the Minister of Interior to one of the Kreisleiters in Gau Turnhalle?

A. No.

Q. xxxx Was that the first time you heard of it - here?

A. Yes.

Q. Did you hear from any Kreisleiter or from any other Gau of this directive?

A. No.

Q. So it is possible that your statements regarding the possible or assumed motives for this directive represent merely your personal opinion and your

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own speculation?

A. That is my purely personal opinion.

DR. LINK: No further questions.

COL. NEAVE: Dr. Link, will you be wanting this witness further? Will you be wanting him retained in Nurnberg jail?

DR. LINK: The question will be discussed whether for a special point he is to be available to make an affidavit.

COL. NEAVE: You mean on a new point, don't you?

DR. LINK: I have released ten witnesses today - among that four women, and if the released witnesses will be transferred to these different camps, transfers will be avoided.

COL. NEAVE: I'd like you to draw your attention to this ~~thing~~, that the witnesses who will be heard next week - the week beginning the 8th of July - will only be heard on the grounds that defense counsel have not had a reasonable time in which to interview them, so ~~if~~ will you prepare your witness list with that in mind before you make application to the Commission?

DR. LINK: Yes sir.

LT. COL. JONES: So perhaps I might clear my mind. Dr. Link did mention that this witness might be required for the purpose of giving affidavit. I should respectfully suggest that any witness who is called here ought not be included amongst those who ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ give their evidence by affidavits. If this witness has further evidence to give and he is here, he ought to give it before the Commission, and we cross examine him upon it. He ought not to give half his evidence by affidavit and escape cross examination.

COL. NEAVE: I must say, Dr. Link, I wasn't clear why he would be retained here to give an affidavit. Even if he is going to bring up a new point, ~~xxxxx~~ why can't he be heard on Commission?

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DR. LINK: I can explain that. I personally haven't the intention of taking an affidavit from this witness. It is a witness who has been interviewed by my colleague, Dr. Berges. There's a possibility that my colleague, Dr. Berges, wants to discuss something with him and for this reason I should appreciate the witness not being transferred today or tomorrow.

COL. NEAVE: But Dr. Berges won't want to take an affidavit from him here, will he? Why doesn't he examine him now?

DR. LINK: I didn't express it very clearly. I don't think there's a question of an affidavit, of course, I don't know. I don't know whether there is anything at all, and there's another thing those groups of people who are supposed to sort out the affidavits and for that in my opinion the witness Kuehl may be taken into consideration since he has been heard on this case and no longer needs to be examined.

COL. NEAVE: In order to save time, I don't think we need discuss this much further. I entirely agree with Col. Jones and for your further guidance there can be no question of taking affidavits from people who have been heard on Commission, unless the circumstances are very exceptional and in which case they would have to be discussed with the Commissioners first. The second thing is I would like you to ask all your colleagues to submit lists of people to me for carrying out this summarization of affidavits.

DR. LINK: May I tell you thatI agree completely with Col. Jones and the Commissioner. I wouldn't think of coming here with an affidavit after examination before the Commission. The other question I ask is this, and I should like to have the attitude of Col. Jones and the ruling of the Commissioner. The question is this. In order to save time to prepare an affidavit by the witness to be heard here, this affidavit would be submitted and cross examination take place here.

COL. NEAVE: Do youmean by that to prepare an affidavit first of all and then to submit it to the Commissioner and then have an opportunity for cross examination afterwards. I don't see the object of that at all. Perhaps I misunderstood

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what you said.

COL. JONES: Dr. Link will correct me if I'm wrong, but perhaps he has in mind the same procedure that was adopted in quite a number of cases before the Tribunal, where an affidavit had already been made out, it was then read to the witness in the witness box, and witness was asked if it was correct, and the witness was then offered cross examination. So it has this advantage - it saves a very considerable amount of time, and I would have no objection. Indeed I think I speak for myself and colleague I think probably we will both recommend it.

DR. LINK: It isn't quite like that. I do not want the affidavit to substitute for the entire direct examination. I just want to put in the affidavit the non-essential part of the examination, then follow up with my questions and then leave a cross examination to the prosecutors, regarding the examination, plus the affidavit. I am moved to make this suggestion, because the most important witnesses of our organizata have arrived only recently. We haven't heard a single Gauleiter and I can say in advane that the three hours which are essentially approved by the Commission will be insufficiant I shall either have to ask for exceptions from the rule which would take up time or a large part of the examination will be taken care of by the affidavit in order that I may stay within the time limit, exclusive of the assumed cross examination.

COL. NEAVE: When are these important witnesses likely to be called - these Gauleiters-we haven't much time.

DR. LINK: The Gauleiter Hoffmann who has submitted the affidavit regarding the lynching of flyers.

COL. NEAVE: What I want to know is when he is to be called - the absolute end of hearing the witnesses will be Friday, 12 July 1946, including the exceptional cases, so I want to know when these people are going to be heard.

DR. LINK: It was arranged that during the last week from the 5th to 12th, SA, Political Leaders, andReich government members were to be heard, and unless I'm mistaken

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definite days were set down. With your permission, I can hear Gauleiter Hoffmann day after tomorrow here.

COL. NEAVE: I think we can discuss this later - the exact time. The only reason why I ask when he was to be heard was because I would like to discuss the procedure which you propose with the other Commissioners. I think there is a great deal to be said and discussed and when you have heard the comments of the prosecution, we will let you know whether we can put it into practice. We don't require this witness further at the moment. The witness can go now. We will have a short recess.

Witness excused

Recess: 1128 hours.

The foregoing is a true and correct transcript of the testimony of EDUARD KUEHL, taken on 1 July 1946.

Bernice Winkler
Reporter(pp

Reporter (pp

CERTIFIED TO:

Commissioner

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

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THE WITNESS: Yes sir.

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BY LT. COL. GRIFFITH JONES:

Q. When we adjourned on Friday, I was asking you about the responsibility of the Political Leaders for the mistreatment of slave labor. And I was asking in particular about document PS 205. Hou remember that in May of 1942, Gaulieters had been made responsible for the inspection and control of the treatement of foreign workers?

A. Yes sir.

Q. Now we had read dome of this document which is dated 5 May 1943 - a year later. You will remember that it is an order sent out by the Party Chancellory to all Gaulieters, Kreisleters and Ortsgruppenleiters?

A. That is correct.

Q. Perhaps you would look at the paragraph which is marked #1 - it is the second paragraph marked #1 in brackets. "Everyone, even the primitive man, has a fine perception of justice - consequently, every unjust treatment must have a very bad effect. Injustices, insults, trickery, mistreatment, etc., must be discontinued. Punishment by beating is forbidden". During that year while the Gaulieter had been responsible for the treatment of foreign laborers, had the practive neen to do them injustices, insults,

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trickery or mistreatment? Is that the way in which they had been treated?

A. One cannot say so without further illucidation. This directive merely interprets the constant and repeated demands made by Gaulieter Sauckel, the man in charge of commitment and procurement of labor.

Q. Why should it be necessary for Gauleiter Sauckel - dealin with a decent civilized German people - to write a letter of this kind?

A. Firstly, because the number of foreign workers - particularly the Eastern workers - increased greatly during the year 1942, and particularly during the year 1943. The problem of the care for this large number of laborers had become the more urgent, because a number of wonk camps for foreign laboreres increased correspondingly. May I add that exceedingly efficient work production was expected. That could be expected only under the position of good treatment and decent rations.

Q. I don't want to stop you if you really have anything useful to say.

A. I wish to say something regarding the rations.

Q. I haven't asked you a thing about the rations, and I don't want to hear about them. Perhaps you will answer my question - I'll ask you for the last time. If the foreign workers had not been done injustices and been subject to insults, trickery, mistreatment and beating, why should it be necessary for the Party Chancellory to send around a circular to all Gaulieters, Kreisleiters, and Ortsgruppenleiters?

A. I can't say anything definite regarding the motives for the circular. As far as my district in which I was active was concerned, I can only say that the treatment of foreign labor was not any different within the years 1942 to 1944.

Q. Very well, I think we can pass through that matter. Did you tell us on Friday that the Corps of Political Leaders had nothing to do and took no part in the policy to suppress the influence of the churches?

A. I can say so definitely for my district.

Q. And that they took no part in throwing people into concentration camps?

A. No, I stated on Friday already, that for the period of 1936 to 1945

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I have never met anyone personally who was thrown into a concentration camp.

Q. Well, then I'll ask you some questions about the matter generally. Do you know whether in general over Germany, the Political Leaders were meant to assist in suppressing the influences of the churches?

A. There were no such directives in the Gau East Hannover. I can say on my oath that there was no discussion at all between 1936-45, regarding the persecution of the church at any one of the conferences or official meeting to which I took part.

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A. I don't understand this remark. In the first place the Orts-gruppenleiter had not possibility to rap the knuckles of the pastor, and in the second place I know nothing about any other taxes. If you resigned from the hurch, the consequences were that your personal taxes were remitted, but not your real estate taxes.

Q. I'm not asking you about the taxes, I'm asking you why the Orts-gruppenleiter should have written that to the Kreisleiter and why the Ortsgruppenleiter in the Kreis should have been sending in reports of that kind?

A. I can't answer that question, because it's without the sphere of my personal experience.

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on the face of them, completely contradict the general evidence he has been giving.

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Q. Perhaps I don't make myself clear or perhaps because of the interpretation, you did not understand me. I'll ask you again. Why should it be necessary to reconvert the children after they had been to religious classes for three or four years? What did the Ortsgruppenleiter mean by reconversion?

A. I don't know very much of what he meant as far as I'm concerned by reconversation. Such a problem never arose in the Gau East Hannover. Children of believers in God always participated in the religious instruction.

Q. Now, we'll leave that if you can't answer it. Would you look on until you find the fifth document which are the comments made by the Kreisleiter on the various reports he received. In answer to #1, the first report, which we haven't dealt with at length. "The Kreisleiter notes the SD, Gestapo and competent Ortsgruppenleiter will be instructed by me". What was the point of his instructing the SD and Gestapo about increased church activity in his area?

A. The report shows that this individual Kreisleiter was very anxious to find out whether there was an action hostile to the State going on.

Q. But what does he expect the SD and the Gestapo to do about the matter?

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1 July-6-AOW-Winkler.

Are the going to put somebody into a concentration camp - do you think that's a possibility?

A. I believe it is absolutely possible - if it is a matter of a minister who used the pulpit to continue attacks on the Nazi state, despite having been warned a number of times.

Q. You agree with me that that was the task or one of the tasks of the Leadership Corps, to report people who were attacking the Nazi state to the SD and Gestapo?

A. If there were such cases - yes.

Q. And the result of that would be to send them straight into a concentration camp; wouldn't it?

A. Having cases of such a kind - yes.

Q. Just look now, will you, at the Kreisleiter's comments on the second report--the one we have already discussed. "I shall request the Ortsgruppenleiter Frick, who reports from Pfungstadt, to go to the Kreisleiter tomorrow and shall get him to name his witnesses. These will be notified to you and the Gestapo..." Now listen to this: "The Priest Strack is sufficiently well known and ripe for the concentration camp or the Special Court. His reported statement before fellow Germans constitutes an infringement of the Law Against Malice. In any case, the chap must disappear from the territory of the Kreis or Gau". Is that typical of the kind of action that the Kreisleiters were generally taking throughout Germany?

A. I want to say this in regard to that. I have never received a directive concerning supervision of church services.

COL. NEAVE: Can't he answer the question? We seem to hearing something different. The question was - was this typical behaviour on the part of the Kreisleiter in the whole of Germany?

THE WITNESS: I wanted to say something.

COL. NEAVE: As long as he answers the question.

A. It is definitely an individual case.

Q. What do you call that, if you don't call it assisting or participating or throwing people into concentration camps?

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1 July-7-AOW-Winkler.

A. All I can say is this. Any ordinary citizen would have been at liberty after having attended such a church service to report it to the Gestapo.

Q. Very well, I'll leave that now. Perhaps you can help me about one other matter. Is Bremen in your Gau?

A. No.

Q. There must be a neighboring Gau to you?

A. Yes, that was Gau Weser - Ems.

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Q. In May of 1936, one of the Kreisleiters in Bremen was sneding an instruction to all his Ortsgruppenleiters in connection with the Reichstag election which was to be held on 29 of March of that year. He says a report has to be made out in accordance with the demand from the Ministry of Interior Dr. Frick. A report has to be made on civil servants who did not perform their duties in voting on that day. As far as such cases are known in the local district or political strong point, please report such by name. He concludes that letter by saying it is to be destroyed immediately after this matter has been executed. This is document D-43. I imagine if that was on the instruction of Dr. Frick, you also in Hannover had to do the same thing, did you not - report on civil servants who did not vote?

A. Yes.

Q. What was the object of that?

A. This directive can be taken only as an individual one for Bremen - there was no such general directive.

Q. I understood you to say that you had had to do the same thing in Hanover?

A. I said no.

Q. Then I misunderstood you. Do you mean to say that Dr. Frick wrote that especially to Bremen and to no other Gau?

A. I can only make up the following explanation for this. The man in charge of the department issuing this directive probably was a civil servant, and it is impossible that the Ministery of Interior -- Dr Frick, has demanded from the Party operators to find out whether or not civil servants had participated in the election.

Q. Are you seriously telling us that some instructions must have been issued from the office of the Minister of Interior, demanding of all civil servants who did not vote and that that instruction was issued by some subordinate in the department and not by the minister himself?

A. I can imagine that the civil servant has heard of this directive through channels. He thrust himself in front as a Party official, and now asked the Party operators to find out things which did not fall within its

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competence. One more sentence, please. The Reich minister would have had a much easier time of finding out the things by the election authorities -- which is to say the administrative authorities.

LT. COL. GRIFFITH JONES: I have no further questions.

COL NEAVE: Have you any further questions, Dr. Link?

DR. LINK: Four or five questions.

COL. NEAVE: All right.

RE-DIRECT EXAMINATION

BY DR. LINK:

Q. Witness, in answer to a question of Col. Griffith Jones, you have made a statement which might make it appear that it fell within the task or duties of the Kresileiter of the Political Leaders to report with the SD and Gestapo in order to have people thrown into concentration camps. Does todays' statement correspond to your statement of Friday, which said that the Kreisleiter had nothing to do with concentration camps or did I understand you correctly?

A. Friday and even today I declared that as far as I'm personnally concerned that such a case has never occurred to me in practice, but if such a case would have been brought to my attention which would have shown a transgression of existing laws without any doubt, of course, it would have been my duty to report such a case to the competent Gestapo offices. We had no immediate connection with the SD.

Q. It does not concern me whether you as a Poarty member obeys the laws explicitly feels that in such a case a report would have had to be made, it concerns me here whether the Political Leaders, beginning with the Blockleiters up to your level and even the higher levels, received directives from the highest Party levels to bring people into concentration camps?

A. No, of course, there were no such directives.

Q. How are we to understand your statement that it belongs within the tasks of the Political Leaders to report to the SD and Gestapo? Do you agree to my statement that Political Leaders do not have any more or less to do with and have no more or less to thrown people into concentration camps than was expected of any Party member and co-national

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A. Our duties were no different from those imposed upon any Party member, by any Bergerneister or other official in Germany.

Q. Another question. The document D-43 which was submitted to the witness -- has it been submitted?

LT. COL. JONES: It certainly has been submitted. I'll try to tell you where. It's Organization No. 7, and Dr. Link will find it in German on the original prosecution book of Frick.

Q. Did I understand you correctly to say that you did not receive the directive emanating from the Minister of Interior to one of the Kriesleiters in Gua Turnhalle?

A. No.

Q. Was that the first time you heard of it -- here?

A. Yes.

Q. Did you hear from any Kreisleiter or from any other Gau of this directive?

A. No.

Q. So it is possible that your statements regarding the possible or assumed motives for this directive reprost merely your personal opinion and your own speculation?

A. That is purely personal opinion.

DR. LINK: No further questions.

COL. NEAVE: Dr. Link, will you be wanting this witness further? Will you be wanting him retained in Nurnberg jail?

DR. LINK: The question will be discussed whether for a special point he is to be available to make an affidavit.

COL. NEAVE: You mean on a new point, don't you?

DR. LINK: I have released ten witnesses today -- among that four women, and if the released witnesses will be transferred to these different camps, transfers will be avoided.

COL. NEAVE: I'd like you to draw your attention to this, that the witnesses who will be heard next week -- the week beginning the 8th of July -- will only be heard on the grounds that defense counsel have not had a reasonabl

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time in which to interview them, so will you prepare your witness list with that in mind before you make application to the Commission?

DR. LINK: Yes sir.

LT. COL. JONES: So perhaps I might clear my mind. Dr. Link did mention that this witness might be required for the purpose of giving affidavit. I should respectfully suggest that any witness who is called here ought not be included amongst those who give their evidence by affidavits. If this witness has further evidence to give and he is here, he bught to give it before the Commission, and we cross examine him upon it. He ought not to give half his evidence by affidavit and escape cross examination.

COL. NEAVE: I must say, Dr. Link, I wasn't clear why he would be retained here to give an affidavit. Even if he is going to bring up a new point, why can't he be heard on Commission?

DR. LINK: I can explain that. I personally haven't the intention of taking an affidavit from this witness. It is a witness who has been interviewed by my colleague, Dr. Berges. There's a possibility that my colleague, Dr. Berges, wants to discuss something with him and for this reason I should appreciate the witness not being transferred today to tomorrow.

COL. NEAVE: But Dr. Berges won't want to take an affidavit from him here, will he? Why doesn't he examine him now?

DR. LINK: I didn't express it very clearly. I don't think there's a question of an affidavit, of course, I don't know. I don't know whether there is anything at all, and there's another thing those groups of people who are supposed to sort out the affidavits and for that in my opinion the witness Kuehl may be taken into consideration since he has been heard on this case and no longer needs to be examined.

COLONEL NEAVE: In order to save time, I don't think we need discuss this much further. I entirely agree with Colonel Jones and for your further guidance there can be no question of taking affidavits from people who have been heard on Commission, unless the circumstances are very exceptional and in which case they would have to be discussed with the Commissioners first. The second thing is I would like you to ask all your colleagues to submit lists of people to me for carrying out this summarization of affidavits.

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DR. LINK: May I tell you that I agree completely with Colonel Jones and the Commissioner. I wouldn't think of coming here with an affidavit after examination before the Commission. The other question I ask is this, and I should like to have the attitude of Col. Jones and the ruling of the Commissioner. The question is this. In order to save time to prepare an affidavit by the witness to be heard here, this affidavit would be submitted and cross examination take place here.

COLONEL NEAVE: Do you mean by that to prepare an affidavit first of all and then to submit it to theCommissioner and then have an opportunity for cross examination afterwards. I don't see the object of that at all. Perhaps I misunderstood what you said.

COLONEL JONES: Dr. Link will correct me if I'm wrong, but perhaps he has in mind the same procedure that was adopted in quite a number of cases before the Tribunal, where an affidavit had already been made out, it was then read to the witness in the witness box, and witness was asked it it was correct, and the witness was then offered cross examination. So it has this advantage -- it saves a very considerable amount of time, and I would have no objection. Indeed I think I speak for myself and colleague I think probably we will both recommend it.

DR. LINK: It isn't quite like that. I do not want the affidavit to substitute for the entire direct examination. I just want to put in the affidavit the non-essential part of the exam nation, then follow up with my questions and then leave a cross-exami nation to the prosecutors, regarding the examination, plus the affidavit. I am moved to make this suggestion, because the most important witnesses of our organization have arrived only recently. We haven't heard a single Gauleiter and I can say in advance that the three hours which are essentially approved by the Commission will be insufficient.I shall either have to ask for exceptions from the rule which would take up time or a large part of the examination will be taken care of by the affidavit in order that I may stay within the time limit, exclusive of the assumed cross examination.

COLONEL NEAVE: When are these important witnesses likely to be called-- these Gauleiters -- we haven't much time.

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DR. LINK: The Gauleiter Hoffmann who has submitted the affidavit regarding the lynching of flyers.

COLONEL NEAVE: What I want to know is when he is to be called -- the absolute end of hearing the witnesses will be Friday, 12 July 1946, including the exceptional cases, so I want to know when these people are going to be heard.

DR. LINK: It was arranged that during the last week from the 5th to 12th, SA, Political Leaders, and Reich government members were to be heard, and unless I'm mistaken definite days were set down. With your permission, I can hear Gauleiter Hoffmann day after tomorrow here.

COLONEL: I think we can discuss this later - the exact time. The only reason why I ask when he was to be heard was because I would like to discuss the procedure which you propose with the other Commissioners. I think there is a great deal to be said and discussed and when you have heard the comments of the prosecution, we will let you know whether we can put it into practive. We don't require this witness further at the moment. The witness can go now. We will have a short recess.

Witness excused

Recess: 1128 hours.

The foregoing is a true and correct transcript of the testimony of EDUARD KUEHL, taken on 1 July 1946.

Bernice Winkler
Reporter

CERTIFIED TO:

A. M. S. Neave
Commissioner